

32 USC § 325 – Single Status

(a) Relief required.

(1) Except as provided in paragraph (2), each member of the Army National Guard of the United States or the Air National Guard of the United States who is ordered to active duty is relieved from duty in the National Guard of his State or Territory, or of Puerto Rico, or the District of Columbia, as the case may be, from the effective date of his order to active duty until he is relieved from that duty.

- NG member is in only one status at a time
- 32 USC § 325 – Dual Status

(2) An officer of the Army National Guard of the United States or the Air National Guard of the United States is not relieved from duty in the National Guard of his State or Territory, or of Puerto Rico or the District of Columbia, under paragraph (1) while serving on active duty in command of a National Guard unit if—

(A) the President authorizes such service in both duty statuses; and

(B) the Governor of his State or Territory or Puerto Rico, or the commanding general of the District of Columbia National Guard, as the case may be, consents to such service in both duty statuses.

The statutory change allows for a National Guard Commander familiar with State and Local area of operations to serve both in a federal and state status to provide both unity of effort and command for federal and state chains of command

32 U.S.C. 315 – Reverse Dual Hat

With the permission of the President, an [Regular Army or Air Force] officer so detailed may accept a commission in the Army National Guard or the Air National Guard, as the case may be, terminable in the President's discretion, without prejudicing his rank and without vacating his regular appointment.

The 2004 National Defense Authorization Act made it possible for National Guard commanders on Title 32 status to be ordered to federal active duty (Title 10 status), retaining their state commission when activated. In addition, it made possible an Active Component Officer on Title 10 status to accept a commission in a state National Guard, retaining their federal commission while serving. This dual status option provides the statutory authority for a commander to command both state and Federal military forces simultaneously, and provides for a unified military response.

When exercising the dual-status option, the commander reports, through channels, to both the Governor and the President. The use of the dual-status option was successful during recent deliberately planned events. Some examples include the 2004 G8 Summit Conference, Operation Winter Freeze (the National Guard's support to the U.S. Customs and Border Protection's Border Patrol to help prevent illegal aliens from entering this country along a 295-mile stretch of the U.S.-Canadian border) and the 2004 and 2008 Democratic and Republican Conventions.

The dual-status command option combines all of the advantages of the state command option (effective planning and exercises prior to an event, state sovereignty to manage crisis, community based etc.) with the ability to absorb both state and federal forces under one commander. In addition, it is well suited for the catastrophic incident that initially requires or later develops the requirement for large amounts of federal forces without requiring a change to command and control during the response.